

John Coletta (JC 7522)  
Judith M. Saffer (JS 3161)  
Attorneys for Broadcast Music, Inc.  
320 West 57<sup>th</sup> Street  
New York, New York 10019  
(212) 830-2590

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
BROADCAST MUSIC, INC.; et al.,	)
	)
Plaintiffs,	)
	)
v.	)
	)
ASK 244, LLC d/b/a THE PLUMM and	)
EUGENE BOISSIERE, THOMAS FRAYNE,	)
NOEL ASHMAN, JASON KRYSTAL,	)
STEPHANIE RUHLE HUBBARD,	)
And KRISTEN DICKEY, each	)
individually,	)
	)
Defendants.	)
	)
-----X	

CIVIL ACTION NO.:  
1:07-cv-2967  
Judge Buchwald

APPLICATION FOR  
CERTIFICATE OF DEFAULT

TO: J. MICHAEL MCMAHON, CLERK  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Please enter default of Defendants Ask 244, LLC d/b/a The Plumm, and of Eugene Boissiere, Thomas Frayne, Noel Ashman, Jason Krystal, Stephanie Ruhle Hubbard, and Kristen Dickey, each individually, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1 for failure to plead or otherwise defend the above-captioned action as fully appears from

the court file herein and from the attached declaration of John Coletta and the proofs of service on file with the Court.

Dated: New York, New York  
August 16, 2007

By: 

John Coletta (JC 7522)  
Broadcast Music, Inc.  
320 West 57<sup>th</sup> Street  
New York, NY 10019  
Phone: (212) 830-2590  
Fax: (212) 830-3802  
E-Mail: jcoletta@bmi.com

CC: Bruno Codispoti, Esq.  
Codispoti & Mancinelli, LLP  
111 John Street, Ste. 800  
New York, NY 10038  
Attorney for Defendant Ask 244, LLC

Noel Ashman  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Jason Krystal  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Stephanie Ruhle  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Kristen Dickey  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Eugene Boissiere  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Thomas Frayne  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

John Coletta (JC 7522)  
 Judith M. Saffer (JS 3161)  
 Attorneys for Broadcast Music, Inc.  
 320 West 57<sup>th</sup> Street  
 New York, New York 10019  
 (212) 830-2590

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X	)	
BROADCAST MUSIC, INC.; et al.,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.:
	)	1:07-cv-2967
v.	)	Judge Buchwald
	)	
ASK 244, LLC d/b/a THE PLUMM and	)	
EUGENE BOISSIERE, THOMAS FRAYNE,	)	AFFIDAVIT IN SUPPORT
NOEL ASHMAN, JASON KRYSTAL,	)	OF REQUEST FOR ENTRY
STEPHANIE RUHLE HUBBARD,	)	OF DEFAULT
And KRISTEN DICKEY, each	)	
individually,	)	
	)	
Defendants.	)	
	)	
-----X		

COUNTY OF NEW YORK )  
 ) ss:  
 STATE OF NEW YORK )

John Coletta, being duly sworn, deposes and says:

1. I am the Assistant Vice President, Legal Affairs and counsel to Plaintiffs Broadcast Music, Inc., et al, ("BMI") in this action. I have had primary responsibility for litigation of the claims stated in this lawsuit, including drafting and filing the Complaint filed on Plaintiffs' behalf. I make this declaration of my own personal knowledge, except as indicated, and could testify to the facts stated herein if called upon to do so.

2. On April 13, 2007, I caused to be filed Plaintiffs' Complaint in this matter. On April 19, 2007, BMI's process servers served Ask 244, LLC d/b/a The Plumm, and Eugene Boissiere, Thomas Frayne, Noel Ashman, Jason Krystal, Stephanie Ruhle Hubbard, and Kristen Dickey, with the Summons and Complaint in this Action. The proofs of such service were filed with the Court on May 30, 2007, and are attached hereto as Exhibit A.

3. On June 5, 2007, the parties filed a Stipulation for Extension of Time to Answer which asked the Court to set June 18, 2007 as the deadline for Defendants to file their answer(s). A copy of the Stipulation is attached hereto as Exhibit B.

4. On June 21, 2007, the parties filed a second Stipulation for Extension of Time to Answer which asked the Court to set July 3, 2007 as the deadline for Defendants to file their answer. A copy of the second Stipulation is attached hereto as Exhibit C.

5. Upon information and belief, the individual defendants are members of a New York limited liability company that owns and operates an eating and drinking establishment for which they have obtained a liquor license from the New York State Liquor Authority, and are therefore not infants or incompetents. The results of queries of the New York State Liquor Authority web site listing the principals on the Liquor License are attached as Exhibit D.

6. Upon information and belief, none of the individual defendants are in the military. The results of the queries of The Department of Defense Manpower Data Center, and the affidavit of

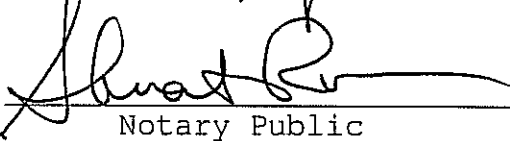
the individual who performed the queries, are attached as Exhibit E.

7. Defendants have failed to plead or otherwise defend this action. Since the Defendants have failed to plead or otherwise defend and the time for filing responsive pleadings has lapsed, I ask that the default be entered against Ask 244, LLC d/b/a The Plumm and Eugene Boissiere, Thomas Frayne, Noel Ashman, Jason Krystal, Stephanie Ruhle Hubbard, and Kristen Dickey, each individually.

Dated: August 16, 2007

  
John Coletta

Sworn to before me this  
16<sup>th</sup> day of August 2007.

  
Notary Public

STUART ROSEN  
NOTARY PUBLIC, State of New York  
No. 02-RO5020733  
Certified in New York County  
Commission Expires November 29, 2007

STUART ROSEN  
NOTARY PUBLIC, State of New York  
No. 02-RO5020733  
Certified in New York County  
Commission Expires November 29, 2009

## EXHIBIT A

United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

Case No.: 07 CV 2967

AFFIDAVIT OF SERVICE

STATE OF NEW YORK; COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on Noel Ashman therein named (the intended recipient).

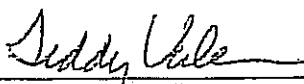
SUITABLE AGE PERSON: By delivering a true copy of each to KIZZYANN ANTOINE, the CO-WORKER of Noel Ashman, a person of suitable age and discretion. Said premises is intended recipient's place of business within the state.

On 4/23/2007 deponent also enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" properly addressed to the above intended recipient at 246 WEST 14TH STREET, NEW YORK, NY 10011 and deposited said wrapper in a official depository under exclusive care and custody of the United States Postal Service within NEW YORK State.

DESCRIPTION: Deponent further states that the description of the person actually served is as follows:  
Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

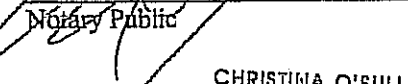
COMMENTS: Recipient represented to me that she is authorized to accept service of process on behalf of Noel Ashman.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Teddy Valcin, Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

4/27/07  
Executed on:

Subscribed and sworn to before me, a notary public, on this 23<sup>rd</sup> day of April, 2007.  
My Commission Expires: 3/28/09

  
Notary Public  
CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01056124768  
Qualified In New York County  
Commission Expires March 28, 2009

United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

)  
) Case No.: 07 CV 2967  
)  
)

) AFFIDAVIT OF SERVICE  
)  
)  
)  
)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on Jason Krystal therein named (the intended recipient).

**SUITABLE AGE PERSON:** By delivering a true copy of each to KIZZYANN ANTOINE, the CO-WORKER of Jason Krystal, a person of suitable age and discretion. Said premises is intended recipient's place of business within the state.

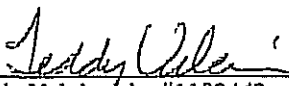
On 4/23/2007 deponent also enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" properly addressed to the above intended recipient at 246 WEST 14TH STREET, NEW YORK, NY 10011 and deposited said wrapper in a official depository under exclusive care and custody of the United States Postal Service within NEW YORK State.

**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

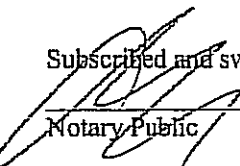
**COMMENTS:** Recipient represented to me that she is authorized to accept service of process on behalf of Jason Krystal.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Teddy Valcin, Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

4/23/07  
Executed on:

Subscribed and sworn to before me, a notary public, on this 23<sup>rd</sup> day of April, 2007.

  
Notary Public

My Commission Expires: 3/28/09

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01086124768  
Qualified in New York County  
Commission Expires March 28, 2009



United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

Case No.: 07 CV 2967

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on Stephanie Ruhle Hubbard therein named (the intended recipient).

**SUITABLE AGE PERSON:** By delivering a true copy of each to KIZZYANN ANTOINE, the CO-WORKER of Stephanie Ruhle Hubbard, a person of suitable age and discretion. Said premises is intended recipient's place of business within the state.

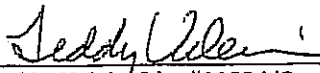
On 4/23/2007 deponent also enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" properly addressed to the above intended recipient at 246 WEST 14TH STREET, NEW YORK, NY 10011 and deposited said wrapper in a official depository under exclusive care and custody of the United States Postal Service within NEW YORK State.

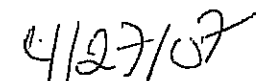
**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

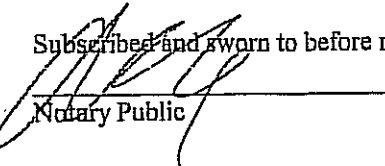
**COMMENTS:** Recipient represented to me that she is authorized to accept service of process on behalf of Stephanie Ruhle Hubbard.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Teddy Valcin/Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

  
Executed on: 4/27/07

Subscribed and sworn to before me, a notary public, on this 25th day of April, 2007.  
My Commission Expires: 3/28/09

  
Notary Public

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01096124768  
Qualified in New York County  
Commission Expires March 28, 2009

United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

Case No.: 07 CV 2967

AFFIDAVIT OF SERVICE

STATE OF NEW YORK; COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on Kristen Dickey therein named (the intended recipient).

**SUITABLE AGE PERSON:** By delivering a true copy of each to KIZZYANN ANTOINE, the CO-WORKER of Kristen Dickey, a person of suitable age and discretion. Said premises is intended recipient's place of business within the state.

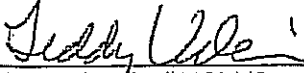
On 4/23/2007 deponent also enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" properly addressed to the above intended recipient at 246 WEST 14TH STREET, NEW YORK, NY 10011 and deposited said wrapper in a official depository under exclusive care and custody of the United States Postal Service within NEW YORK State.

**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

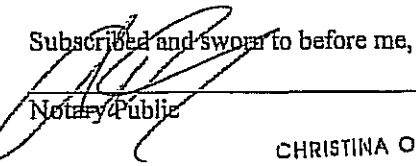
**COMMENTS:** Recipient represented to me that she is authorized to accept service of process on behalf of Kristen Dickey.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Teddy Valcin, Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

4/27/07  
Executed on:

Subscribed and sworn to before me, a notary public, on this 25<sup>th</sup> day of April, 2007.

  
Notary Public  
My Commission Expires: 3/28/09

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01056124768  
Qualified in New York County  
Commission Expires March 28, 2009

United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

Case No.: 07 CV 2967

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on ASK 224, LLC. therein named.

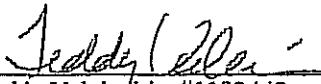
By delivering thereat a true copy of each to KIZZYANN ANTONIE personally, who stated to be the OFFICE MANAGER thereof.

**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

**COMMENTS:** Recipient represented to me that she is authorized to accept service of process on behalf of Ask 224, LLC.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Teddy Valcin, Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

  
Executed on:

Subscribed and sworn to before me, a notary public, on this 25th day of April, 2007.

My Commission Expires: 3/28/09

  
Notary Public

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01056124768  
Qualified in New York County  
Commission Expires March 28, 2009

United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

Case No.: 07 CV 2967

AFFIDAVIT OF SERVICE

STATE OF NEW YORK; COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on EUGENE BOISSIERE therein named (the intended recipient).

**SUITABLE AGE PERSON:** By delivering a true copy of each to KIZZYANN ANTOINE, the CO-WORKER of EUGENE BOISSIERE, a person of suitable age and discretion. Said premises is intended recipient's place of business within the state.


On 4/23/2007 deponent also enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" properly addressed to the above intended recipient at 246 WEST 14TH STREET, NEW YORK, NY 10011 and deposited said wrapper in a official depository under exclusive care and custody of the United States Postal Service within NEW YORK State.

**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

**COMMENTS:** Recipient represented to me that she is authorized to accept service of process on behalf of Eugene Boissiere.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

  
Teddy Valcin, Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

4/23/07  
Executed on:

Subscribed and sworn to before me, a notary public, on this 23rd day of April, 2007.

  
Notary Public

My Commission Expires: 3/28/09

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01086124768  
Qualified in New York County  
Commission Expires March 28, 2009

United States District Court  
Southern District of New York

Broadcast Music Inc., et al.

Plaintiff

v.

ASK 244, LLC, ET AL.

Defendant

Case No.: 07 CV 2967

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

I, TEDDY VALCIN, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of NEW YORK. That on APRIL 19, 2007 at 3:10 PM at 246 WEST 14TH STREET, NEW YORK, NY 10011, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES RULES on Thomas Frayne therein named (the intended recipient).

**SUITABLE AGE PERSON:** By delivering a true copy of each to KIZZYANN ANTOINE, the CO-WORKER of Thomas Frayne, a person of suitable age and discretion. Said premises is intended recipient's place of business within the state.

On 4/23/2007 deponent also enclosed a copy of same in a postpaid sealed wrapper marked "personal and confidential" properly addressed to the above intended recipient at 246 WEST 14TH STREET, NEW YORK, NY 10011 and deposited said wrapper in a official depository under exclusive care and custody of the United States Postal Service within NEW YORK State.

**DESCRIPTION:** Deponent further states that the description of the person actually served is as follows:

Gender: Female Race/Skin: Brown Hair: Brown Glasses: No Approx. Age: 25 Height: 5'2" Weight: 115

**COMMENTS:** Recipient represented to me that she is authorized to accept service of process on behalf of Thomas Frayne.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

Teddy Valcin  
Teddy Valcin, Lic. #1103442  
Target Research Services, Inc.  
20 Vesey Street, PH  
New York, NY 10007  
(212) 227-9600

4/27/07  
Executed on:

Subscribed and sworn to before me, a notary public, on this 27<sup>th</sup> day of April, 2007.

Christina O'Sullivan  
Notary Public

My Commission Expires: 3/28/09

CHRISTINA O'SULLIVAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01086124768  
Qualified in New York County  
Commission Expires March 28, 2009

## EXHIBIT B

John Coletta (JC 7522)  
Judith M. Saffer (JS 3161)  
Attorneys for Broadcast Music, Inc.  
320 West 57<sup>th</sup> Street  
New York, New York 10019  
(212) 830-2590

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	)	
BROADCAST MUSIC, INC.; et al.,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.:
	)	
v.	)	1:07-cv-2967
	)	
ASK 244, LLC d/b/a THE PLUMM and	)	Judge Buchwald
EUGENE BOISSIERE, THOMAS FRAYNE,	)	
NOEL ASHMAN, JASON KRYSTAL,	)	
STEPHANIE RUHLE HUBBARD,	)	
And KRISTEN DICKEY, each	)	
individually,	)	
	)	
Defendants.	)	
-----X	)	

STIPULATION FOR EXTENSION OF TIME TO ANSWER

Plaintiffs, having initiated this action against Defendants on April 13, 2007, and having served Defendants with the summons and complaint on or around April 19, 2007; and Defendants, having contacted Plaintiffs prior to the May 9, 2007 deadline for filing their answer(s) to the complaint to request an extension of time with respect thereto; and Plaintiffs, having agreed to grant such extension so that the parties may continue to pursue the possibility of settling this matter without any further litigation; Plaintiff BMI, for itself and its co-Plaintiffs through their undersigned counsel, and Defendant Ask 244, LLC, for

itself and its co-Defendants through its undersigned counsel,  
hereby stipulate and move this Court to set June 18, 2007 as the  
deadline for Defendants to file their answer(s) to the complaint.

BROADCAST MUSIC, INC., for itself and  
its co-Plaintiffs,

Dated: JUNE 4, 2007

By: 

John Coletta (JC 7522)  
Broadcast Music, Inc.  
320 West 57<sup>th</sup> Street  
New York, NY 10019

Attorney for Plaintiff BMI

Dated: JUNE 4, 2007

ASK 244, LLC d/b/a The Plumm, for itself and  
its co-Defendants.

By: 

Bruno Codispoti, Esq. (BC 4568)  
Codispoti & Mancinelli, LLP  
111 John Street, Ste. 800  
New York, NY 10038

Attorney for Defendant ASK 244, LLC



## EXHIBIT C

John Coletta (JC 7522)  
Judith M. Saffer (JS 3161)  
Attorneys for Broadcast Music, Inc.  
320 West 57<sup>th</sup> Street  
New York, New York 10019  
(212) 830-2590

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BROADCAST MUSIC, INC.; et al.,

Plaintiffs,

v.

ASK 244, LLC d/b/a THE PLUMM and  
EUGENE BOISSIERE, THOMAS FRAYNE,  
NOEL ASHMAN, JASON KRYSTAL,  
STEPHANIE RUBLE HUBBARD,  
And KRISTEN DICKEY, each  
individually,

Defendants.

CIVIL ACTION NO.:

1:07-cv-2967

Judge Buchwald


STIPULATION FOR EXTENSION OF TIME TO ANSWER

Plaintiffs, having initiated this action against Defendants on April 13, 2007, and having served Defendants with the summons and complaint on or around April 19, 2007; and Defendants, having contacted Plaintiffs prior to the May 9, 2007 deadline for filing their answer(s) to the complaint to request an extension of time with respect thereto; and Plaintiffs, having agreed to grant such extension so that the parties may continue to pursue the possibility of settling this matter without any further litigation; Plaintiff BMI, for itself and its co-Plaintiffs through their undersigned counsel, and Defendant Ask 244, LLC, for

itself and its co-Defendants through its undersigned counsel,  
hereby stipulate and move this Court to set July 3, 2007 as the  
deadline for Defendants to file their answer(s) to the complaint.

BROADCAST MUSIC, INC., for itself and  
its co-Plaintiffs,


Dated: JUNE 20, 2007

By:   
John Coletta (JC 7522)  
Broadcast Music, Inc.  
820 West 57<sup>th</sup> Street  
New York, NY 10019

Attorney for Plaintiff BMI

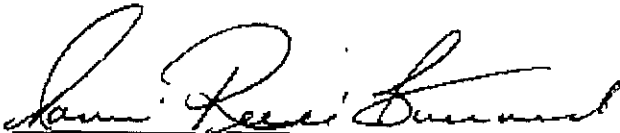
Dated: JUNE 20, 2007

ASK 244, LLC d/b/a The Plumm, for itself and  
its co-Defendants,

By:   
Bruno Codispoti, Esq. (BC 4568)  
Codispoti & Mancinelli, LLP  
111 John Street, Ste. 800  
New York, NY 10038

Attorney for Defendant ASK 244, LLC

So Ordered:

  
6/21/07

## EXHIBIT D



Eliot Spitzer  
Governor



Noreen Healey  
Commissioner

Joshua B. Teas  
CEO

Daniel B. Boyle  
Chairman

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## Public Query - Results

### License Information

**Serial Number:** 1149417

**License Type:** CABARET LIQUOR

**License Status:** License is Active

**Credit Group:** 1

**Filing Date:** 03/04/2004

**Effective Date:** 06/01/2006

**Expiration Date:** 05/31/2008

### Premises Information

**Principal's Name:** BOISSIERE,EUGENE

FRAYNE,THOMAS

ASHMAN,NOEL

KRYSTAL,JASON

DICKEY,KRISTEN

HUBBARD,STEPHANIE RUHLE

ASHMAN,ROBIN

**Premises Name:** ASK 244 LLC

**Trade Name:**

**Zone:** 1

**Address:** 244 W 14TH ST

8TH AVENUE & 14TH STREET

NEW YORK, NY 10011

**County:** NEW YORK

You can select one of the following links to perform another search:

- [Search by Name](#)
- [Search by License Number](#)
- [Search by Location](#)
- [Search by Principal](#)

## EXHIBIT E

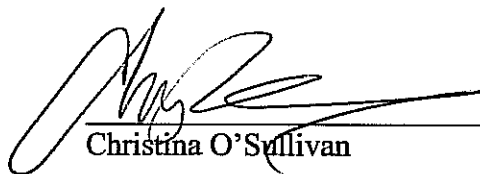
RE: Dickey

State of New York, County of New York: ss:

Christina O'Sullivan, being duly sworn, deposes and says:


I am an authorized online user of the United States Department of Defense Manpower Data Center and make this affidavit with regard to a civil litigation matter.

On August 13<sup>th</sup>, 2007, at the request of plaintiff's counsel, I inquired of the United States Department of Defense, via the Defense Manpower Data Center's online inquiry system, as to the military service status of the defendant herein, Kristen M. Dickey, whose social security number is 095-64-7371. As evinced by the annexed Military Status Report received in response to my request, defendant Kristen M. Dickey is not on active military duty in the armed forces of the United States.



Christina O'Sullivan

Sworn to before me on August 13<sup>th</sup>, 2007



HARLIN PARKER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PA4716174  
Qualified in New York County  
My Commission Expires June 30, 2010

Department of Defense Manpower Data Center

AUG-13-2007 12:02:32



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DICKEY	Kristen M	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:BNXGKFZNVN



RE: Ruhle

State of New York, County of New York: ss:


Christina O'Sullivan, being duly sworn, deposes and says:

I am an authorized online user of the United States Department of Defense Manpower Data Center and make this affidavit with regard to a civil litigation matter.

On August 13<sup>th</sup>, 2007, at the request of plaintiff's counsel, I inquired of the United States Department of Defense, via the Defense Manpower Data Center's online inquiry system, as to the military service status of the defendant herein, Stephanie L. Ruhle, whose social security number is 157-70-6478. As evinced by the annexed Military Status Report received in response to my request, defendant Stephanie L. Ruhle is not on active military duty in the armed forces of the United States.

  
Christina O'Sullivan

Sworn to before me on August 13<sup>th</sup>, 2007

  
HARLIN PARKER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PA4716174  
Qualified in New York County  
My Commission Expires June 30, 2010

Department of Defense Manpower Data Center

AUG-13-2007 11:21:04



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
RUHLE	Stephanie L	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BMZAITIDTR**

RE: Krystal

State of New York, County of New York: ss:

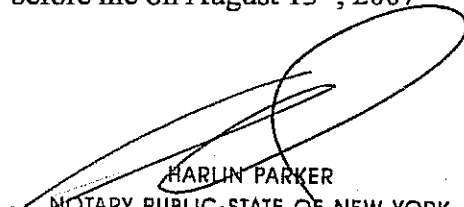
Christina O'Sullivan, being duly sworn, deposes and says:

I am an authorized online user of the United States Department of Defense Manpower Data Center and make this affidavit with regard to a civil litigation matter.

On August 13<sup>th</sup>, 2007, at the request of plaintiff's counsel, I inquired of the United States Department of Defense, via the Defense Manpower Data Center's online inquiry system, as to the military service status of the defendant herein, Jason A. Krystal, whose social security number is 066-70-2068. As evinced by the annexed Military Status Report received in response to my request, defendant Jason A. Krystal is not on active military duty in the armed forces of the United States.

  
Christina O'Sullivan

Sworn to before me on August 13<sup>th</sup>, 2007

  
HARLIN PARKER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PA4716174  
Qualified in New York County  
My Commission Expires June 30, 2010

Department of Defense Manpower Data Center

AUG-13-2007 11:20:15



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
KRYSTAL	Jason A	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BMFYSDXRXA**

RE: Ashman

State of New York, County of New York: ss:

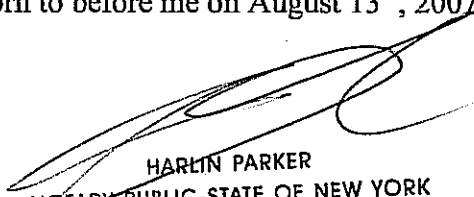
Christina O'Sullivan, being duly sworn, deposes and says:

I am an authorized online user of the United States Department of Defense Manpower Data Center and make this affidavit with regard to a civil litigation matter.

On August 13<sup>th</sup>, 2007, at the request of plaintiff's counsel, I inquired of the United States Department of Defense, via the Defense Manpower Data Center's online inquiry system, as to the military service status of the defendant herein, Noel Natuan Ashman, whose social security number is 066-48-4091 As evinced by the annexed Military Status Report received in response to my request, defendant Noel Natuan Ashman is not on active military duty in the armed forces of the United States.

  
Christina O'Sullivan

Sworn to before me on August 13<sup>th</sup>, 2007

  
HARLIN PARKER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PA4716174  
Qualified In New York County  
My Commission Expires June 30, 2010

Department of Defense Manpower Data Center

AUG-13-2007 11:19:05



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
ASHMAN	Noel Natuan	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BMWYGNAMCL**

RE: Frayne

State of New York, County of New York: ss:


Christina O'Sullivan, being duly sworn, deposes and says:

I am an authorized online user of the United States Department of Defense Manpower Data Center and make this affidavit with regard to a civil litigation matter.

On August 13<sup>th</sup>, 2007, at the request of plaintiff's counsel, I inquired of the United States Department of Defense, via the Defense Manpower Data Center's online inquiry system, as to the military service status of the defendant herein, Thomas D. Frayne, whose social security number is 115-62-8326 As evinced by the annexed Military Status Report received in response to my request, defendant Thomas D. Frayne is not on active military duty in the armed forces of the United States.

  
Christina O'Sullivan

Sworn to before me on August 13<sup>th</sup>, 2007

  
HARLIN PARKER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PA4716174  
Qualified in New York County  
My Commission Expires June 30, 2010

Department of Defense Manpower Data Center

AUG-13-2007 11:17:21



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
FRAYNE	Thomas D	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BMVAFCWIKO**



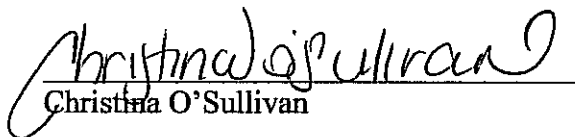
RE: Boissiere

State of New York, County of New York: ss:


Christina O'Sullivan, being duly sworn, deposes and says:

I am an authorized online user of the United States Department of Defense Manpower Data Center and make this affidavit with regard to a civil litigation matter.

On August 13<sup>th</sup>, 2007, at the request of plaintiff's counsel, I inquired of the United States Department of Defense, via the Defense Manpower Data Center's online inquiry system, as to the military service status of the defendant herein, Eugene A. Boissiere, whose social security number is 071-86-2582 As evinced by the annexed Military Status Report received in response to my request, defendant Eugene A. Boissiere is not on active military duty in the armed forces of the United States.

  
Christina O'Sullivan

Sworn to before me on August 13<sup>th</sup>, 2007

  
HARLIN PARKER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PA4716174  
Qualified in New York County  
My Commission Expires June 30, 2010

Department of Defense Manpower Data Center

AUG-13-2007 11:15:54



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
BOISSIERE	Eugene A	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BMTKXYBKRG**

John Coletta (JC 7522)  
 Judith M. Saffer (JS 3161)  
 Attorneys for Broadcast Music, Inc.  
 320 West 57<sup>th</sup> Street  
 New York, New York 10019  
 (212) 830-2590

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 BROADCAST MUSIC, INC.; MICHAEL JOE )  
 JACKSON d/b/a MIJAC MUSIC; SONY/ATV )  
 SONGS LLC; THE BERNARD EDWARDS COMPANY, )  
 L.L.C.; HIDDEN PUN MUSIC, INC.; HIP CITY )  
 MUSIC INC.; HIRIAM HICKS and ELLIOT )  
 STRAITE, a partnership d/b/a HIFROST )  
 PUBLISHING; RONDOR MUSIC INTERNATIONAL, )  
 INC. d/b/a IRVING MUSIC; EMI BLACKWOOD )  
 MUSIC INC.; CAREERS-BMG MUSIC )  
 PUBLISHING, INC. CHARLES EDWARD HUGO )  
 d/b/a RAYNCHASER MUSIC; PHARRELL L. )  
 WILLIAMS d/b/a WATERS OF NAZARETH )  
 PUBLISHING; PLEASE GIMME MY PUBLISHING )  
 INC.; UNICHAPPELL MUSIC, INC.; SONGS OF )  
 UNIVERSAL, INC., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 ASK 244, LLC d/b/a THE PLUMM and EUGENE )  
 BOISSIERE, THOMAS FRAYNE, NOEL ASHMAN, )  
 JASON KRYSTAL, STEPHANIE RUHLE HUBBARD, )  
 and KRISTEN DICKEY, each individually, )  
 )  
 Defendants. )  
 -----X

CIVIL ACTION NO.:  
 1:07-cv-2967  
 Judge Buchwald

AFFIDAVIT OF  
 SERVICE

Stacy Amabile, being sworn, says:

1. I am an assistant for John Coletta, Esq., the attorney for Petitioner Broadcast Music, Inc. with an office at 320 West 57th St., New York, NY 10019.

2. I am over 18 years old and am not a party to this action.

3. On August 16, 2007, I served the Application For Certificate of Default upon Respondents, Ask 244, LLC, Eugene Boissiere, Thomas Frayne, Noel Ashman, Jason Krystal, Stephanie Ruhle Hubbard and Kristen Dickey, by mailing a true copy of it in a securely enclosed envelope marked personal and confidential, with sufficient postage, to Respondents at the following addresses:

Bruno Codispoti, Esq.  
Codispoti & Mancinelli, LLP  
111 John Street, Ste. 800  
New York, NY 10038  
Attorney for Defendant Ask 244, LLC

Noel Ashman  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Jason Krystal  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Stephanie Ruhle  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

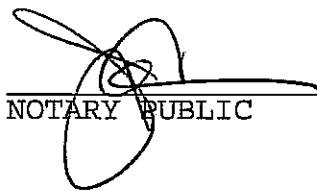
Kristen Dickey  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Eugene Boissiere  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

Thomas Frayne  
The Plumm  
246 West 14<sup>th</sup> Street  
New York, NY 10011

  
\_\_\_\_\_  
Stacy Amabile

Sworn to before me on  
August 16, 2007

  
\_\_\_\_\_  
NOTARY PUBLIC

JOHN COLETTA  
NOTARY PUBLIC, State of New York  
No. 02C06118528  
Qualified in Putnam County  
Commission Expires November 8, 2008